



Appeal Decision

Site visit made on 16 November 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/C3240/W/22/3303401

42 The Rock, Telford TF3 5BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mark Brazier against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2022/0309, dated 1 April 2022, was refused by notice dated 31 May 2022.
 - The application sought planning permission for Reserved matters application to outline planning permission TWC/2019/0027 (erection of 1no. dwelling) including details of access, appearance, landscaping and scale *****amended plans received***** without complying with a condition attached to planning permission Ref TWC/2021/1035, dated 23 February 2022.
 - The condition in dispute is No5 which states that: The development shall be carried out in accordance with the deposited plans and drawings as stated below.
Plan Number 100056037 Date Received 22/09/2021
Plan Number MB/PL/203 Date Received 19/10/2021
Plan Number MB/PL/201C Date Received 10/02/2022
Plan Number MB/PL/202C Date Received 10/02/2022
Plan Number MB/PL/200B Date Received 23/02/2022
 - The reason given for the condition is: For the avoidance of doubt and to ensure the development is carried out in accordance with the approved plans and details.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Reserved Matters application was granted in February 2022. It would appear from the evidence in front of me that a number of amendments were made in order to make the scheme acceptable which included the removal of the proposal now in front of me.
3. Approval was granted, and the appellant subsequently resubmitted the current proposal to amend the front elevation as a variation to Condition 5, which set out the approved plans for the scheme. This variation was refused by the Council and the appeal is now in front of me.
4. The main issue in the appeal is the potential effect of varying the approved drawings would have on the character and appearance of the area and the host building.

Reasons

5. The appeal site is a dwelling under construction adjacent to No 42. The locality is residential in nature, but sparsely occupied by a mix of residential dwelling types.
6. The revised proposal would include a would introduce a projecting gable at first floor above the front porch. The submitted drawing suggests that the additional space at first floor would be utilised for hallway space near the stairs.
7. The proposal would have a substantial form and bulk that would be overly dominant and an intrusive form of development that would fail to reflect or integrate with neighbouring buildings. It is not unreasonable to expect that such development should respect its context and local character. In this regard it would fail to do so in terms of its scale and mass and its relationship with neighbouring buildings.
8. This would add bulk to the centre of the front elevation, and in my view the heavier appearance would lead to the addition detracting from and dominating the relatively modest original design, diminishing its merits.
9. In my assessment, the proposal would therefore introduce a jarring and incongruous form of development that would undermine the architectural character of the proposed dwelling. I appreciate that the Council did not receive representations in response to its consultation on the planning application. However, it was apparent from my visit that the new dwelling would be a prominent feature in the locality.
10. The appellant has referred to other buildings nearby, old and modern, where similar design is in place and has been allowed. However, I do not know the precise details of these, the circumstances in which they came into being, or the extent to which they are comparable with this proposal, and they do not add weight in support of the appellant's case in this appeal.
11. I note also the appellant's wish to create this feature, as they feel that it would lead to a better overall design, as it was part of the original plans before amendment. However, for the reason set out above I am of the view that the amendment that the appellant now seeks would not be sympathetic to the original building.
12. I conclude that the proposed variation of condition would result in a conspicuous and visually discordant feature that would cause harm to the character and appearance of the host building and area and would be in conflict with Policy BE1 of the Telford & Wrekin Local Plan (2018) which, amongst other matters, expect development to respond positively to its context and demonstrate and integrated design approach. It would also conflict with the requirements of Chapter 12 of the National Planning Policy Framework, which aims to achieve well-designed places.

Conclusion

13. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR